IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 6151/2007

NAVRATAN PATWARI Vs. STATE OF RAJASTHAN & ANR.

DATE: 16.08.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. Yogesh Kumar Sharma for the petitioner.

****

This writ petition is directed against the order dated 17.07.2007 passed by the Deputy Director, Regional Office, Employees State Insurance Corporation, Jaipur, whereby the petitioner is hold responsible to deposit the contribution amount to the tune of Rs. 3,17,997/- within a period of 15 days.

The case of the petitioner is that a show cause notice was issued on 12.03.2007 and in response to which the petitioner submitted his reply on 04.07.2007. It is stated by the respondents in the impugned order dated 17.07.2007 that neither the petitioner submitted any reply in response to the show cause notice dated 12.03.2007 nor he appeared in person for personal hearing.

[2]

I have heard learned counsel for the petitioner and have also gone through the impugned order dated 17.07.2007.

It is not disputed that the petitioner has got alternative efficacious remedy to challenge the order dated 17.07.2007. So far as reply submitted by the petitioner on 04.07.2007 is concerned, the same has been received and receipt is also given by the respondents. It is the duty of the respondents to consider the same prior to passing order under Section 45(C) to 45(g) of the Employees State Insurance Act, 1948 (for short 'the Act of 1948').

As per the settled preposition of law no interference in the impugned order is required by this Court at this stage, but looking to the fact that the petitioner has already submitted his reply which has not been considered, as observed herein above, it is expected from the respondents to consider the same before passing order under Section 45 of the Act of 1948 and if any order prejudicial to the interest of the petitioner is passed by the respondents, then only the petitioner can redress his grievance before appropriate forum, but in any case, no writ, order or direction is required to be issued by this Court.

Consequently, the writ petition fails and the same is hereby dismissed.

(K.S. RATHORE),J.

/KKC/